

CITY of ALBUQUERQUE

TWENTY SECOND COUNCIL

COUNCIL BILL NO. C/S R-16-127 ENACTMENT NO. R-2016-115

SPONSORED BY: Ken Sanchez, by request

1 RESOLUTION

2 AMENDING THE NORTHWEST MESA ESCARPMENT PLAN TO ALLOW
3 EXCEPTIONS TO THE MAXIMUM ALLOWED BUILDING HEIGHT OF 19 FEET
4 ABOVE THE NATURAL GRADE FOR LOTS THAT WOULD BE
5 UNDEVELOPABLE IF THE EXISTING HEIGHT RESTRICTION IS APPLIED;
6 ESTABLISHING A PROCESS FOR EXCEPTIONS.

7 WHEREAS, the Council, the Governing Body of the City of Albuquerque,
8 has the authority to adopt and amend plans for the physical development of
9 areas within the planning and platting jurisdiction of the City authorized by
10 statute, § 3-19-5, NMSA 1978, and by its home rule powers; and

11 WHEREAS, the Council has the authority to adopt, amend, or repeal such a
12 sector development plan; and

13 WHEREAS, the City of Albuquerque adopted the Northwest Mesa
14 Escarpment Plan (NWMEP) in 1987 through Council Resolution C/S R-383,
15 Enactment Number 97-1989; and

16 WHEREAS, the NWMEP was adopted to maintain the volcanic West Mesa
17 Escarpment as open space for public enjoyment, and to regulate urban form in
18 the area to protect views of the escarpment; and

19 WHEREAS, the NWMEP establishes an Impact Area, generally located
20 around the perimeter of the Petroglyph National Monument and City Open
21 Space lands comprising the West Mesa Escarpment; and

22 WHEREAS, structures in this area are currently limited to 15 feet from
23 natural grade, with a variance procedure allowing up to 19 feet above natural
24 grade; and

25 WHEREAS, the plan does not currently permit exceptions to the maximum
26 allowed building height of 19 feet above the natural grade; and

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1 **WHEREAS, strict enforcement of this height limit may render some**
2 **properties undevelopable due to elevation changes, rock outcroppings,**
3 **abutting street grades or other constraints; and**

4 **WHEREAS, the Environmental Planning Commission found that this**
5 **request generally furthers Comprehensive Plan policies by requiring review of**
6 **individual applications, by furthering site design that maintains unique vistas,**
7 **and by allowing vacant, developable land contiguous to existing or**
8 **programmed urban facilities to be developed; and**

9 **WHEREAS, the Environmental Planning Commission found that this**
10 **request conforms to the West Side Strategic Plan's policy requiring land use**
11 **and design decisions that minimize negative effects on the National**
12 **Monument by preserving views while allowing some flexibility in unique**
13 **situations; and**

14 **WHEREAS, an exception to the height limit will only impact a limited**
15 **number of properties, primarily those that have undulating terrain and would**
16 **require fill as part of site grading.**

17 **BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF**
18 **ALBUQUERQUE:**

19 **SECTION 1: That NWMEP Policy 12-2, page 58 be amended as follows:**
20 **"Application to allow exceptions to the 15' height limit will be reviewed as site**
21 **plan submittals on a case-by-case basis by the Environmental Planning**
22 **Commission. No exception will be allowed unless the applicant demonstrates**
23 **that the impact of the proposed development on views to and from the**
24 **escarpment as described in the plan (see Appendices C and N) will be the**
25 **same as, or less than, the impact if the 15 foot height limit were met.**

26 **Heights shall in no case exceed 19' from natural grade, unless adherence**
27 **to this policy would render the lot undevelopable. Applications for exceptions**
28 **to the 19' height limit shall be reviewed and approved by the EPC and shall**
29 **demonstrate both:**

30 **Hardship: The intent of the view regulations contained in Policy #12 must be**
31 **met. The burden is upon the applicant to demonstrate that strict adherence to**
32 **the policy would render the lot undevelopable because of physical and/or**
33 **engineering constraints (rock outcroppings, street grades, ADA compliance,**

1 utility design, etc.). The application shall include a Grading and Drainage Plan
2 that has been approved by the City Engineer.

3 **Visual Impact:** The resulting building shall not be taller than the tallest
4 abutting building located within the Impact Area and shall not block views of
5 the escarpment, as shown in the view plane exhibits as detailed in the
6 exception submittals a. through c. No structure shall exceed 19 feet in height
7 from the finished grade, even with an exception.

8 All exception submittals shall at a minimum include:

9 a. site plans, site elevations, and site sections showing the location of the
10 major public views (generally taken from the site perimeter or nearest public
11 road to the east, west, south and north, and the escarpment);

12 b. the relationship between slopes, building heights, setbacks, the height of
13 the escarpment, and views as noted in “a” above; and

14 c. use of a combination of the techniques suggested in Appendix N –
15 including A. Height/slope, B. View corridors, and C. Height/slope/setback – to
16 minimize the impact on views to and from the escarpment.

17 “Natural grade” means the grade (as defined in the Zoning Code) based on the
18 original site contours, prior to any grading.”

19 **SECTION 2:** That NWMEP, page 77 be amended as follows:

20 “12-1 p.58 Structure heights limited to 15’, or 19’ with a variance if needed to
21 screen rooftop equipment on non-residential structures. Exception granted for
22 very low density developments (1 du/net acre or less) which reserve a
23 minimum 200’ setback from the Escarpment Face (9% or greater slopes) –
24 maximum height is then 26’.

25 12-2 p. 58 Provides for exceptions to the 15’ height limit on a case-by-case
26 basis per site plan review by the EPC. See Policy 12-2 and Appendix N for
27 Specifics. Heights shall not exceed 19’ from natural grade, unless an
28 exception is requested and approved through the Environmental Planning
29 Commission, as part of an approved Site Development Plan.”

30 **SECTION 3:** That NWMEP, Appendix N, Page N-1 be amended as follows:

31 “A. Height/Slope:

32 Allow an increase in height in response to slope. For example, 1’ in increased
33 height may be granted for every 3’ to 4’ drop in ground elevation from a base

1 elevation established at the 9% slope line. This will provide a stepped-down
2 effect and a smooth transition in scale. Buildings could also be depressed
3 below the natural grade. (See regulation 11-7). The maximum height which
4 may be granted within the Impact Area is 19' above natural grade, unless an
5 exception is requested and approved through the Environmental Planning
6 Commission, as part of an approved Site Development Plan, as identified in
7 Policy 12-2."

8 SECTION 4: That NWMEP, Appendix N, Page N-2 be amended as follows:

9 B. (and B-1) View Corridors:

10 "Allow two-story construction provided that views to the escarpment are
11 maintained at the perimeter of the site, or at the nearest public road
12 (whichever offers the predominant public views) and views from the
13 escarpment – primarily from public trails and access points- are also
14 maintained. The intent is to preserve the maximum amount of unobstructed
15 lateral views to the base of the escarpment. (If the site is located above the
16 escarpment, the views will be to the top of the escarpment.) The maximum
17 height which may be granted within the Impact Area is 19' above natural
18 grade, unless an exception is requested and approved through the
19 Environmental Planning Commission, as part of an approved Site
20 Development Plan, as identified in Policy 12-2."

21 SECTION 5: NWMEP, Appendix N, Page N-4 be amended as follows:

22 "C. Height/Slope/Setback:

23 The closer a structure is to the viewer, the more it blocks the view. If
24 structures are set back further from the predominant viewing areas (generally
25 either the site perimeter of the nearest public road and public trails and access
26 points along the escarpment), then it is conceivable that the building height
27 could increase in proportion to the size of the setback and the slope without
28 increasing the visual impact from a particular vantage point. Both slope and
29 setback should be used to determine the appropriate building height, up to a
30 maximum of 19' above the natural grade, unless an exception is requested and
31 approved through the Environmental Planning Commission, as part of an
32 approved Site Development Plan, as identified in Policy 12-2."

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1 **SECTION 6: NWMEP, Appendix N, Page N-4 be amended as follows: insert**
2 **illustration, exhibit A**

3 **SECTION 7: SEVERABILITY CLAUSE. If any section, paragraph, sentence,**
4 **clause, word or phrase of this resolution is for any reason held to be invalid or**
5 **unenforceable by any court of competent jurisdiction, such decision shall not**
6 **affect the validity of the remaining provisions of this resolution. The Council**
7 **hereby declares that it would have passed this resolution and each section,**
8 **paragraph, sentence, clause, word or phrase thereof irrespective of any**
9 **provision being declared unconstitutional or otherwise invalid.**

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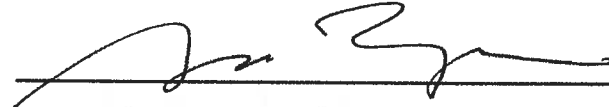
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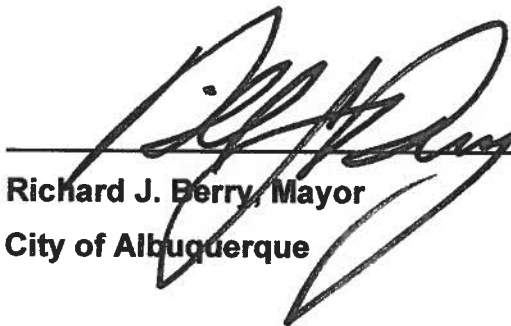
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1 PASSED AND ADOPTED THIS 19th DAY OF December, 2016
2 BY A VOTE OF: 9 FOR 0 AGAINST.
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8 Isaac Benton, President
9 City Council
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13 APPROVED THIS 30th DAY OF December, 2016
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17 Bill No. C/S R-16-127
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21 Richard J. Berry, Mayor
22 City of Albuquerque
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27 ATTEST:
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30 Natalie Y. Howard, City Clerk
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